

# **CITY UTILITIES COMMITTEE**

## **MINUTES**

**NOVEMBER 27, 2012**

**9:30 A.M.**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, November 27, 2012 at 9:47 a.m., in Committee Room #2.** The following members were present:

**The Honorable Aaron Watson, Vice-Chair**  
**The Honorable C. T. Martin**  
**The Honorable Yolanda Adrean**  
**The Honorable Carla Smith**

The following members were absent:

**The Honorable Natalyn M. Archibong, Chair**  
**The Honorable H. Lamar Willis**

Others present at the meeting were: Stephanie Grant, Michael Patrick McShane, Renee Sheperd and Roger Bhandari, Law Department; Commissioner JoAnn J. Macrina, Deputy Commissioners Eric Glover, Mike Geisler and Tracy Hillick, Department of Watershed Management; Commissioner Richard Mendoza, Deputy Commissioner Dexter White, Department of Public Works; John Lavalle, Director of Real Estate Portfolio; members of the public, press and Council Staff.

Vice-Chair Watson called the meeting to order at 9:47 a.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. PMT MONTHLY REPORT - DEPARTMENT OF WATERSHED MANAGEMENT - DELAYED TO NEXT MEETING**

**CONSENT**

**D. ORDINANCES FOR FIRST READING**

- 12-O-1639 ( 1)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2013 (Water and Wastewater Renewal and Extension Fund) (5052) Budget in the amount of \$2,300,000.00; to transfer funds from the Water and Wastewater Renewal and Extension Fund Reserve Account (5052) and add to Appropriations for the funding of the Toilet Rebate Program; and for other purposes.

**TO BE REFFERED TO CITY UTILITIES COMMITTEE**

- 12-O-1640 ( 2)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2013 (Water and Wastewater Renewal and Extension Fund) (5052) Budget in the amount \$97,667.00; to transfer funds from the Water and Wastewater Renewal and Extension Fund Reserve for Appropriations and add to Appropriations for Clear Creek CSO Improvements Project; and for other purposes.

**TO BE REFFERED TO CITY UTILITIES COMMITTEE**

- 12-O-1720 ( 3)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY2013 (Water and Wastewater Renewal and Extension Fund) (5052) Budget in the amount of \$189,308,264.74; to anticipate and appropriate the transfer of equity closeout from the Water Wastewater Revenue Fund (5051) to the Water and Wastewater Renewal and Extension Fund (5052); and for other purposes.

**TO BE REFFERED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**E. ORDINANCE FOR SECOND READING**

- 12-O-1738 ( 1)     An Ordinance by Councilmember Yolanda Adrean waiving the sidewalk requirements of Section 15.09.003 of the City of Atlanta Code of Ordinances for Subdivision Application SD-12-010 (735 Peachtree Battle Avenue, NW) to provide that in lieu of installing sidewalk at said subdivision, 200 feet of sidewalk will be installed in the existing sidewalk gaps between 1088 and 1160 Moores Mill Road; and for other purposes.

**(Councilmember Adrean made a motion to approve)**

**FAVORABLE**

**F. RESOLUTIONS**

- 12-R-1641 ( 1)     A Resolution by City Utilities Committee authorizing the Mayor or his designee on behalf of the City of Atlanta, to enter into an Encroachment Agreement for Non-Conforming Uses with Jason and Kristie Sattler, owner of real property located at 2180 Parkview Run, NW Atlanta, Georgia, for the purpose of permitting a portion of two presently existing retaining walls which partially extend on the public right-of-way along the west side of Parkview Run, NW for an approximate total of (53) linear feet; and for other purposes.

**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 12-R-1642 ( 2)     A Resolution by City Utilities Committee authorizing the Mayor or his designee on behalf of the City of Atlanta, to enter into an Encroachment Agreement for Non-Conforming Uses with Robert D. and Gayle L. Goudelock, owner of real property located at 2186 Parkview Run, NW Atlanta, Georgia, for the purpose of permitting a portion of two presently existing retaining walls which partially extend on the public right-of-way along the west side of Parkview Run, NW for an approximate total of (50) linear feet; and for other purposes.

**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 12-R-1643 ( 3)      A Resolution by City Utilities Committee authorizing the Mayor or his designee on behalf of the City of Atlanta to enter into an Encroachment Agreement for Non-Conforming Uses with Robert David Vytlačil, owner of real property located at 2192 Parkview Run, NW Atlanta, Georgia, for the purpose of permitting a portion of two presently existing retaining walls which partially extend on the public right-of-way along the west side of Parkview Run, NW for an approximate total of (150) linear feet; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 12-R-1644 ( 4)      A Resolution by City Utilities Committee authorizing Renewal No. 2 with BGR, a Joint Venture for FC-4906C, Architectural, Engineering and Design Services, on behalf of the Departments of Public Works and Watershed Management and the Office of Enterprise Assets Management; all contracted work shall be charged to and paid from Various Fund, Department and Account Numbers and Funding Sources; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 12-R-1645 ( 5)      A Resolution by City Utilities Committee authorizing Renewal No. 2 with JP2, a Joint Venture for FC-4906E, Architectural, Engineering and Design Services, on behalf of the Departments of Public Works, Watershed Management and the Office of Enterprise Assets Management; all contracted work shall be charged to and paid from Various Fund, Department and Account Numbers and Funding Sources; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 12-R-1646 ( 6)      A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Site Engineering, Inc., for FC-6034, Water Distribution System Improvements – Southwest Area, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,762,667.50; all contracted work will be charged to and paid from the listed Fund, Department Organization and Account Numbers; and for other purposes.

**(Councilmember Smith made a motion to hold)**

**HELD**

- 12-R-1647 ( 7)      A Resolution by City Utilities Committee authorizing the Renewal No. 3 with the United States Geological Survey, United States Department of Interior, for FC-6004007858, Water Quality and Water Quantity Long Term Monitoring Network, on behalf of the Department of Watershed Management, in an amount not to exceed \$578,000.00; all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account Numbers; and for other purposes.

**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 12-R-1648 ( 8)      A Resolution by City Utilities Committee authorizing Renewal No. 2 with Arcadis/BPA, a Joint Venture, for FC-4906A, Architectural, Engineering and Design Services, on behalf of the Departments of Public Works and Watershed Management and the Office of Enterprise Assets Management; all contracted work shall be charged to and paid from Various Fund, Department and Account Numbers and Funding Sources; and for other purposes.

**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 12-R-1649 ( 9)      A Resolution by City Utilities Committee authorizing Renewal No. 2 with Brown and Caldwell/Delon Hampton and Associates, Chartered, a Joint Venture, for FC-4906D, Architectural, Engineering and Design Services, on behalf of the Departments of Public Works, Watershed Management and the Office of Enterprise Assets Management; all contracted work shall be charged to and paid from Various Fund, Department and Account Numbers and Funding Sources; and for other purposes.

**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 12-R-1650 (10)      A Resolution by City Utilities Committee authorizing Renewal No. 2 with Atlanta Services Group, a Joint Venture, for FC-4906B, Architectural, Engineering and Design Services, on behalf of the Departments of Public Works, Watershed Management and the Office of Enterprise Assets Management; all contracted work shall be charged to and paid from Various Fund, Department and Account Numbers and Funding Sources; and for other purposes.

**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 12-R-1651 (11)      A Resolution by City Utilities Committee authorizing Renewal No. 2 with Mack's Hauling, Inc., for FC-6006007938C, Citywide Demolition Services, on behalf of the Department of Watershed Management; and for other purposes.

**(Councilmember Martin made a motion to approve)**

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**RESOLUTIONS (CONT'D)**

- 12-R-1727 (12) A Resolution by Councilmember Kwanza Hall authorizing the Mayor, or his designee, on behalf of the City of Atlanta, to enter into an Encroachment Agreement with the Georgia Proton Treatment Center, LLC ("GPTC") owner of real property located at 615 Peachtree Street, NE, Atlanta, Georgia for the purpose of permitting the installation of a Temporary Tie-Back System and anchors to be located within and under the public rights-of-way of Peachtree Street, beginning forty (40') feet north from the center line of North Avenue and continuing north sixty (60') feet along the eastern right-of-way of Peachtree Street and Ponce de Leon Avenue, beginning forty (40') feet west from the center line of Juniper Street and continuing west one hundred seventy (170') feet along the southern right-of-way of Ponce de Leon Avenue, located in Land Lot 49 of the 14<sup>th</sup> District of Fulton County, Georgia; and for other purposes.  
**(Councilmember Smith made a motion to approve)**

**FAVORABLE**

- 12-R-1729 (13) A Resolution by Councilmembers Keisha Lance Bottoms and H. Lamar Willis authorizing the Mayor or his designee to amend FC-4943A with CP Richards Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, to include additional unit price line items for bridges, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 12-R-1730 (14) A Resolution by Councilmembers Keisha Lance Bottoms and H. Lamar Willis authorizing the Mayor or his designee to amend FC-4943B with Kemi Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, to include additional unit price line items for bridges, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Smith made a motion to hold)**

**HELD**

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**RESOLUTIONS (CONT'D)**

- 12-R-1731 (15) A Resolution by Councilmembers Keisha Lance Bottoms and H. Lamar Willis authorizing the Mayor or his designee to amend FC-4943C with Precision 2000, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, to include additional unit price line items for bridges, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Martin made a motion to approve)**

**FAVORABLE**

- 12-R-1732 (16) A Resolution by Councilmembers Keisha Lance Bottoms and H. Lamar Willis **as substituted by City Utilities Committee** authorizing the Mayor, or his designee, to enter into Amendment Agreement Number 11 with SD&C, Inc., for FC-4943D, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, to include additional unit price line items for bridges and to provide construction services for the Adams Drive Bridge Project on behalf of the Department of Public Works in an amount not to exceed \$1,354,317.70; with all contracted work to be charged to and paid from Various Fund, Department, Organization and Account Numbers listed; and for other purposes.  
**(Councilmember Martin made a motion to approve on substitute)**

**FAVORABLE ON SUBSTITUTE**

- 12-R-1733 (17) A Resolution by Councilmembers Keisha Lance Bottoms and H. Lamar Willis authorizing the Mayor or his designee to amend FC-4943E with Tople Construction, Inc., Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, to include additional unit price line items for bridges, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Smith made a motion to hold)**

**HELD**



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**RESOLUTIONS (CONT'D)**

- 12-R-1745 (18) A Resolution by Councilmembers Natalyn Archibong and H. Lamar Willis authorizing the Mayor or his designee to execute a Local Maintenance and Improvement Grant Application with the Georgia Department of Transportation for participation and funding to resurface certain city streets in connection with the Local Maintenance and Improvement Grant Agreement Program; and for other purposes.  
**(Councilmember Smith made a motion to approve)**

**FAVORABLE**

**G. PAPERS HELD IN COMMITTEE**

- 10-O-1058 ( 1) An **Amended** Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article III (Water), Division I (Generally) of the City of Atlanta, Code of Ordinances for the Department of Watershed Management Bureau of Drinking Water to adjust Meter Hydrant Service and Installation Fees; and for other purposes. **(Amended and held 7/13/10)**  
**(Public Hearing held 9/21/10)**
- 10-O-1059 ( 2) A **Substitute** Ordinance by City Utilities Committee to amend Section 173 (Charges for Sewers laid by Developer for Use of Development), Division 2 (Assessments), Chapter 154 (Utilities), Article IV (Sewer Construction and Assessments), of the City of Atlanta Code of Ordinances to increase certain fees and impose new fees for Pipe and Structural Inspection, Erosion Control and Construction Inspection, Site Plan Review, and other services; to create a new Section 318 (Application Fees), Article VII (Riparian Buffer Requirements) Chapter 74 (Environment), to impose a new fee for plan review related to Riparian Buffer authorized Encroachment

**PAPERS HELD IN COMMITTEE (CONT'D)**

Applications; to create a new Section 521 (Fees), Article X (Post Development Stormwater Management) Chapter 74 (Environment) to impose a new fee for Plan Review related to Post Development Stormwater Management; to create a new Section 208 (Fees), Article VI (Flood Area Regulations) Chapter 74 (Environment) to impose a new fee for plan review related to Flood Plain Management; to create a new Section 406 (Fees), Article VIII (Wetland Protection Regulations) Chapter 74 (Environment) to impose a new fee for plan review related to Wetlands Protection; and for other purposes. **(Held 6/29/10 for a Public Hearing) (Substituted and held 9/14/10) (Public Hearing held 9/21/10)**

10-O-1688 ( 3) An Ordinance by Councilmembers Ivory L. Young, Jr. and Michael J. Bond, authorizing the Mayor or his designee to abandon the portion of James P. Brawley Drive, SW located between Beckwith and Martin Luther King, Jr. Drive, SW on the east and located between Mitchell Street, SW and Beckwith Street, SW on the west and being more specifically described in Exhibit "A" and more completely described in Exhibit "B" lying and being in Land Lot 109 of the 14<sup>th</sup> District, Fulton County, Georgia; to abandon the portion of Mitchell Street, SW between James P. Brawley Drive, SW and Paschal Boulevard, SW as marked on Exhibit "A" and more completely described in Exhibit "C"; to abandon Student Nonviolent Coordinating Committee ("SNCC") Way, SW between 399.76' south of Mitchell Street, SW and Beckwith Street, SW on the west side and between Mitchell Street, SW and Beckwith Street, SW on the west side as marked on Exhibit "A" and more completely described in Exhibit "D"; and for other purposes. **(To be advertised for a Public Hearing) (Held 9/14/10 for further discussions and a Public Hearing)**

11-O-0080 ( 4) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or his designee to impose a Moratorium on street name changes for six (6) months; and for other purposes. **(Held 1/14/11 at the request of the author)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 11-R-0088 ( 5)      A Resolution by Councilmembers Michael J. Bond, H. Lamar Willis, Aaron Watson, Ivory L. Young, Jr. and Cleta Winslow authorizing the Mayor or his designee to enter into an agreement between the City of Atlanta and the Urban Villa Neighborhood Association allowing the installation of a neighborhood sign within a certain right-of-way; and for other purposes. **(Held 1/14/11 for further review)**
- 11-O-0108 ( 6)      An Ordinance by Councilmember Michael J. Bond to designate the intersection of Atlanta Student Boulevard, SW and Walnut Street, SW, Flipper Temple AME Square; and for other purposes. **(To be advertised for a Public Hearing) (Held 2/1/11 for further discussion)**
- 12-R-0376 ( 7)      A Resolution by City Utilities Committee authorizing the initiation of the process of renaming that portion of Greenbriar Parkway between Barge Road to the west and the intersection of Greenbriar Parkway and Continental Colony Parkway to the east to Tyler Perry Way by and through actions of the Commissioner of Department of Public Works or his designee; and for other purposes. **(Held 3/13/12 for further review)**
- 12-O-0563 ( 8)      An Ordinance by City Utilities Committee to amend Article V of Chapter 154 of the Atlanta City Code entitled "Sewerage Disposal" (§154-196 et seq.); to address findings of a Pretreatment Compliance Audit conducted by the United States Environmental Protection Agency; and for other purposes. **(Held 5/15/12 for further review)**
- 12-R-1063 ( 9)      A Resolution by City Utilities Committee authorizing the Mayor or his designee to execute a Contract with SD&C, Inc., for FC-5295, East Atlanta Streetscape Project, Project Number CSSTP-0006-00(717), P. I. No. 0006717, on behalf of the Department of Public Works, in an amount not to exceed \$840,378.66; all contracted work shall be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes. **(Held 8/28/12 for further review)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

12-R-1161 (10) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with \_\_\_\_\_ for FC-6164, Peachtree Creek Capacity Relief and Pump Station – Phase 1 Site Preparation, on behalf of the Department of Watershed Management, in an amount not to exceed \_\_\_\_\_; all contracted work will be charged to and paid from FDOA and PTAE0 Numbers; and for other purposes. **(Held 9/11/12 for further review)**

12-C-1591 (11) A Communication by Councilmember Aaron Watson **as amended by City Utilities Committee** appointing Mr. P. Ramsay Battin to serve as a member of the Keep Atlanta Beautiful Commission. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation; and for other purposes.  
**(Councilmember Martin made a motion to approve as amended)**

**FAVORABLE AS AMENDED – REFERRED TO COMMITTEE ON COUNCIL**

12-R-1597 (12) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$\_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 11/13/12)**

12-R-1610 (13) A Resolution by Councilmembers Ivory L. Young, Jr. and Michael J. Bond authorizing the Mayor or his designee to execute a Contract with Tople Construction for FC-5821, Simpson Road Pedestrian Improvements Project, Project Number CSSTP-0006-00(573), P.I. No. 0006573, on behalf of the Department of Public Works, in an amount not to exceed \$1,295,435.15; all contracted work shall be charged to and paid from Various Fund, Department, Organization and Account Numbers listed; and for other purposes. **(Held 11/13/12 at the request of the Department)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 12-R-1623 (14) A Resolution by Councilmembers Cleta Winslow and C. T. Martin authorizing the Mayor or his designee to execute a Contract with Cotangent Technical Services, LLC, for FC-5894, Ralph David Abernathy Streetscape Improvements Project, Project Number STP00-0004-00(461), P.I Number 0004461, on behalf of the Department of Public Works, in an amount not to exceed \$640,395.00; all contracted work shall be charged to and paid from Various Fund, Department, Organization and Account Numbers; and for other purposes.  
**(Held 11/13/12 at the request of the Department)**

**H. APPRAISAL**

- ( 1) Appraisal of the abandonment of Canterbury Road **(2006)** consisting of 0.5062 acre, the appraiser's estimate of the fair market value is \$146,000.00.  
**(Councilmember Smith made a motion to accept)**

**I. REQUESTED ITEMS**

1. Councilmember Adrean requested that metrics be developed to show compliance with safety procedures. (i.e. # of incidents, % of time in compliance) - Watershed
2. The Sidewalk Task Force met Tuesday, October 30, 2012 from 5:30 to 7:00 p.m.
3. Councilmember Adrean requested a list of the infrastructure in need of repair and a 5 Year Financial Plan from the Department of Watershed Management.
4. Councilmember Adrean requested a report on the Small Meter Audit. (findings, recommendations, cost, implementation phase, etc.) The report is due at the end of October.
5. A report on the Safety Program in the Department of Watershed Management:

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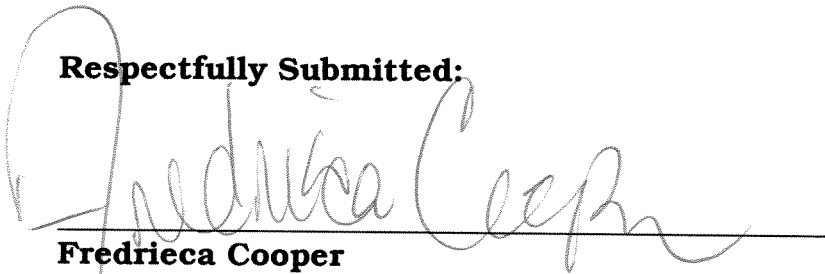
**PAPERS HELD IN COMMITTEE (CONT'D)**

- a. What the City has paid so far in claims?
  - b. How many cameras have been purchased?
  - c. A report on the City of Atlanta purchases/investments for the past five (5) years on safety concerns.
  - d. What are the present and future plans?
6. Councilmember Adrean requested a detail report on the MOST projects:
  - a. A detail project list
  - b. The percentage used for Consent work.
7. Councilmember Watson requested a list of the amount and employees that will transfer from the PMT staff to the Department of Watershed Management staff.
8. Councilmember Adrean requested a report on fines for spills in 2011 and 2012, by the next Committee meeting, 11/13/12. (12-R-1501)
9. Councilmember Martin made a request to Eric Glover to provide a list of all members of the Sheltered Market Program associated with Small Business Enterprise participation.
10. Councilmember Martin asked Commissioner Macrina to provide a copy of the PMT contract and the percentage of MBE participation associated with the contract.
11. Councilmembers Smith and Martin asked Commissioner Mendoza to provide recruitment information used to fill vacancies within the department.
12. Councilmember Martin asked Commissioner Mendoza to provide a larger organizational chart for his department.
13. Councilmember Martin made a request to the CFO, Jim Beard to provide a list of excess Bond Project Funds.

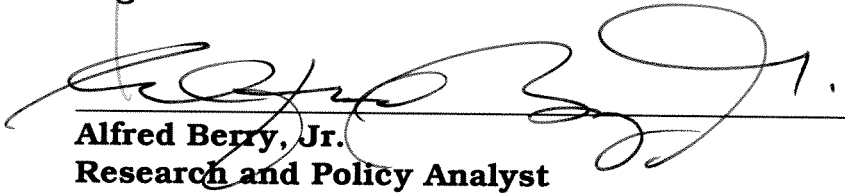
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**There being no further business to come before the Committee, the meeting adjourned at 11:08 a.m.**

**Respectfully Submitted:**

A handwritten signature in cursive script, appearing to read "Fredriecca Cooper", written over a horizontal line.

**Fredriecca Cooper  
Legislative Assistant**

A handwritten signature in cursive script, appearing to read "Alfred Berry, Jr.", written over a horizontal line.

**Alfred Berry, Jr.  
Research and Policy Analyst**

A handwritten signature in cursive script, appearing to read "Aaron Watson", written over a horizontal line.

**The Honorable Aaron Watson, Vice-Chair  
City Utilities Committee**